

SENATE BILL REPORT

2E2SHB 2176

As Reported By Senate Committee On:
Judiciary, February 20, 2008
Ways & Means, March 03, 2008

Title: An act relating to interpreter services.

Brief Description: Revising provisions involving court interpreters.

Sponsors: House Committee on Appropriations (originally sponsored by Representatives Lantz, Warnick, Pedersen, Ross, Hasegawa, Kenney, Santos and Goodman).

Brief History: Passed House: 1/30/08, 97-0.

Committee Activity: Judiciary: 2/20/08 [DP].

Ways & Means: 3/3/08 [DPA].

SENATE COMMITTEE ON JUDICIARY

Majority Report: Do pass.

Signed by Senators Kline, Chair; Tom, Vice Chair; McCaslin, Ranking Minority Member; Carrell, Hargrove, McDermott, Roach and Weinstein.

Staff: Dawn Noel (786-7472)

SENATE COMMITTEE ON WAYS & MEANS

Majority Report: Do pass as amended.

Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget; Zarelli, Ranking Minority Member; Brandland, Carrell, Fairley, Hatfield, Hewitt, Hobbs, Keiser, Kohl-Welles, Oemig, Parlette, Rasmussen, Regala, Roach, Rockefeller, Schoesler and Tom.

Staff: Paula Moore (786-7449)

Background: State law provides for the appointment of interpreters in legal proceedings for both non-English-speaking persons and hearing impaired persons.

Interpreters must be appointed in all legal proceedings in which a non-English-speaking person is a party or is compelled to appear and the cost of providing the interpreter is borne by the governmental body conducting the legal proceeding. In all other legal proceedings, the cost of providing an interpreter is borne by the non-English-speaking person unless the person

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is indigent, in which case the cost is borne by the governmental body conducting the legal proceeding.

The Administrative Office of the Courts (AOC) is responsible for establishing and administering a comprehensive testing and certification program for language interpreters. The AOC certifies court interpreters in nine languages: Arabic, Cantonese, Korean, Laotian, Mandarin, Russian, Somali, Spanish, and Vietnamese. A registered interpreter status has been developed for languages where certification is not available.

When an interpreter is appointed in a legal proceeding in which a non-English-speaking person is a party or is compelled to appear, the interpreter must be certified unless the language spoken is not one for which certification is available or the services of a certified interpreter are not reasonably available. In that case, and in other legal proceedings, a qualified interpreter may be appointed. A qualified interpreter means a person who is able readily to translate spoken or written English for a non-English-speaking person and to translate oral or written statements of a non-English-speaking person into spoken English.

Interpreters for hearing impaired persons must be provided at government expense in legal proceedings where the hearing impaired person is a party or witness, in court-ordered programs or activities, and in law enforcement investigatory interviews. When an interpreter is required for a hearing impaired person, the interpreter must be requested through the Office of Deaf Services in the Department of Social and Health Services or through a community center interpreter referral service. The interpreter must be able to interpret accurately all communication to and from the hearing impaired person in the particular proceeding, program, or activity.

Summary of Bill (Recommended Amendments): Each trial court must develop a written language assistance plan to provide a framework for the provision of interpreter services for non-English-speaking persons accessing the court system in both civil and criminal legal matters. The language assistance plan must include provisions that address a variety of issues, including procedures that:

- assess the language needs of non-English-speaking persons using the courts and provide notice to court users of the right to and availability of interpreter services;
- provide for appointment of interpreters as required by law;
- provide timely communication with non-English speakers by all court employees who have regular contact with the public;
- evaluate the need for translation of written materials and provide for translation of the highest priority materials; and
- provide training to judges and court staff on the requirements of the language assistance plan and provide ongoing evaluation and monitoring of the implementation of the language assistance plan.

Each court must provide a copy of its language assistance plan to the Interpreter Commission prior to receiving state reimbursement for interpreter costs.

Each court receiving reimbursement for interpreter costs must provide to the AOC a report that evaluates the need for, availability of, and the resources required to provide interpreters in court-mandated classes or programs. Courts receiving reimbursement must also report the amounts spent annually on interpreter services for fiscal years 2005, 2006, 2007, 2008, and

2009. AOC must compile these reports, along with the amounts provided to each court each fiscal year, to the appropriate committees of the Legislature.

Subject to the availability of funds appropriated for this purpose, the AOC must reimburse the appointing authority for up to one-half the payment to the interpreter where a qualified interpreter is appointed for a hearing impaired person by a judicial officer in a court proceeding in compliance with current law.

Subject to the availability of funds appropriated for this purpose, the AOC must reimburse the appointing authority for one-half the payment to the interpreter for a non-English speaking person when the interpreter is appointed by a judicial officer in a court proceeding at public expense and: (1) the interpreter is certified or is a qualified interpreter registered in a non-certified language, or when the necessary language is not certified or registered, the interpreter has been qualified by the judicial officer to interpret in the proceeding; (2) the court conducting the legal proceeding has an approved language assistance plan; and (3) the fee paid to the interpreter meets standards established by the AOC.

Subject to availability of funds appropriated for purposes of this act, the AOC must assist courts in developing and implementing language assistance plans.

EFFECT OF CHANGES MADE BY WAYS & MEANS COMMITTEE (Recommended Amendments): Amends the reporting requirements of the bill so that courts receiving reimbursement for interpreter costs must report the amounts spent annually on interpreter services for fiscal years 2005, 2006, 2007, 2008, and 2009. AOC will report the data, along with the amounts provided to each court each fiscal year, to the appropriate committees of the Legislature.

Amends the reimbursement provisions of the bill to clarify that "up to" one-half of the eligible interpreter payments must be reimbursed by AOC.

Makes other technical changes.

Appropriation: None.

Fiscal Note: Available.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony on Second Engrossed Second Substitute Bill (Judiciary): PRO: This bill passed the House twice unanimously. Money was appropriated for this bill last session, and the courts used that money responsibly. No money is being asked for this year. There is a tremendous need for interpreters. This is a by-product of this state's diversity. The bill requires the courts to have a plan for when a person needs an interpreter. It also provides a financial incentive for local courts to appoint qualified interpreters. It is important for interpreters to be certified, because certification requires the interpreter to be tested and to take continuing education courses like attorneys do. When an interpreter's skills are inadequate, this can result in mistakes that affect case outcomes.

Persons Testifying (Judiciary): Representative Lantz, prime sponsor; Mellani McAleenan, Board for Judicial Administration; Robin Zukoski, Columbia Legal Services; Karen Horn, certified court interpreter.

Staff Summary of Public Testimony on Second Engrossed Second Substitute Bill (Ways & Means): PRO: All levels of the court are in support of this bill. The bill is subject to appropriation and does not obligate the Legislature to provide specific amounts in the future. Use of qualified interpreters in the courts results in improved understanding by the participants, improved efficiency, and quality justice.

Persons Testifying (Ways & Means): PRO: Mellani McAleenan, Board for Judicial Administration; Robin Zukoski, Columbia Legal Services.